

Approved For Release 2003/11/06 : CIA-RDP59-00882R000300220043-5

Office Memorandum • UNITED STATES GOVERNMENT

TO : MEMORANDUM FOR THE RECORD

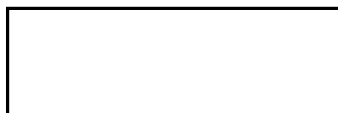
DATE: 15 September 1953

FROM : General Counsel

SUBJECT: Executive Order 10450

In connection with Executive Order 10450, we may restudy the possibility of using boards consisting of cleared consultants outside of Government. The Atomic Energy Commission is presently using such boards with the approval of the Department of Justice. I saw Mr. Mitchell, their General Counsel, today, and he says they believe the system is working smoothly. If we want any information on the subject, Mr. Mitchell suggested we call Mr. Harold Green of the AEC, who is running the program. No action without DCI approval.

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LAWRENCE R. HOUSTON
General Counsel

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Orig -



cc - Director of Security

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UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON 25, D. C.

ER-4-5127
25-4713

ADDRESS ONLY
CIVIL SERVICE COMMISSION
IN YOUR REPLY REFER TO
FILE
AND DATE OF THIS LETTER

25X1

August 27, 1953

Lt. Gen. C. P. Cabell, USAF
Acting Director
Central Intelligence Agency
Washington 25, D. C.

Dear General Cabell:

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In the absence of Chairman Young from the city, I am replying to your letter of August 14, 1953 wherein your agency requests that the Commission select three employees from the Security Hearing Board Roster for the Departmental Service to constitute a security hearing board for the consideration of the case of [redacted] and to make recommendations thereon to the Director of the Central Intelligence Agency.

Your attention is called to Public Law 733 wherein it is stated: "That any employee having a permanent or indefinite appointment, and having completed his probationary or trial period, who is a citizen of the United States whose employment is suspended under the authority of this Act, shall be given * * * (3) a hearing, at the employee's request, by a duly constituted agency authority for this purpose; * *." Your attention is also called to the President's request issued simultaneously with Executive Order 10450 asking the Commission to establish and effectuate a procedure whereby each department and agency of the government will be furnished the names of government employees from outside the department or agency concerned to sit as members of security hearing boards, and also to section 8(a) of the sample regulations supplied by the Attorney General to establish minimum standards for the implementation of the security program under Executive Order 10450 wherein it provides that: "Security hearing boards of the [department or agency] shall be composed of not less than three civilian officers or employees of the Federal Government, selected by the [head of department or agency] from rosters maintained for that purpose by the Civil Service Commission in Washington, D. C. and at regional offices of the Commission."

It appears from the above quotations that the Civil Service Commission has no authority whatsoever to enter into the selection of members to act on a security hearing board. The program under Public Law 733 as extended by Executive Order 10450 is the responsibility of the heads

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of departments and agencies. It is the Commission's belief that the selection of members of security hearing boards should not be limited in any way, and that the Commission should not participate in such selection for to do so would interfere with the exclusive authority vested in the agency head. For these reasons the Commission must decline your request.

Sincerely yours,

John W. Macy Jr.
John W. Macy, Jr.
Executive Director

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